

04/02/2001 03:37:03 PM

Page 1

**2001 DRAFTING REQUEST****Bill**Received: **04/02/2001**Received By: **traderc**Wanted: **As time permits**

Identical to LRB:

For: **Robert Cowles (608) 266-0484**By/Representing: **Jennifer Halbur**This file may be shown to any legislator: **NO**Drafter: **traderc**

May Contact:

Addl. Drafters:

Subject: **Environment - miscellaneous**

Extra Copies:

Submit via email: **NO**

Requester's email:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Prohibit drilling for oil and gas beneath the Great Lakes

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**Instructions:**

Like 99-4095

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	traderc 04/02/2001	jdye 04/02/2001					S&L
/1			pgreensl 04/02/2001		lrb_docadmin 04/02/2001	lrb_docadmin 04/02/2001	
			pgreensl 04/02/2001		lrb_docadmin 04/02/2001		

04/02/2001 03:37:03 PM

Page 2

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04/02/2001 01:15:39 PM

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			pgreensl 04/02/2001		<del>lrb_docadmin</del> <del>04/02/2001</del>		

04/02/2001 01:15:39 PM

Page 2

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**<END>**

04/02/2001 08:37:54 AM

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1?	traderc	1 4/2 jld	1/2 ps	4/2 Self			

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# ROBERT L. COWLES

Wisconsin State Senator • 2nd Senate District

March 30, 2001

To: Rebecca Tradewell

From: Jennifer Halbur

Re: Great Lakes Drilling

I have attached a draft you put together for Senator Cowles in 1999 relating to drilling beneath the beds of the Great Lakes and adjacent waters to explore for or produce oil or gas.

In the drafter's note from the 1999 bill draft, you indicated two things:

1. There was no initial applicability provision to that bill.
2. If the DNR has entered into any leases under current s. 295.33 (4), the bill may be subject to a challenge.

Senator Cowles would like the attached bill to be redrafted for this Legislative session and would like the bill's provisions to take effect immediately after the bill is signed by the Governor.

In reference to the second point, I have talked to Greg Hill at the Department of Natural Resources to find out if there have been any permits granted under 295.33 (4) or if there are any pending applications for a permit. He does not believe so but will confirm this information next week.

If you have any questions or need to contact me please call: 266-0484

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-4095/1dn  
RCT:jlg:mrc

January 4, 2000

There is no initial applicability provision in this bill. If DNR has entered into any leases under current s. 295.33 (4), this bill may be subject to a challenge that it takes private property (drilling leaseholds) for public use without just compensation or that it impairs contracts in violation of article I, sections 13 and 12, respectively, of the Wisconsin Constitution.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: Becky.Tradewell@legis.state.wi.us



## 1999 BILL

1     **AN ACT** *to amend* 295.33 (4) of the statutes; **relating to:** drilling beneath the  
2     beds of the Great Lakes and adjacent waters to explore for or produce oil or gas.

---

***Analysis by the Legislative Reference Bureau***

Under current law, no person may drill to explore for or produce oil or gas from beneath the beds of the Great Lakes or bays or harbors that are adjacent to the Great Lakes unless that drilling originates from the shore and pursuant to a written lease from the department of natural resources.

This bill prohibits any person from drilling beneath the beds of the Great Lakes or bays or harbors that are adjacent to the Great Lakes to explore for or produce oil or gas.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

3     **SECTION 1.** 295.33 (4) of the statutes is amended to read:  
4     295.33 (4) No person may conduct drilling operations for the exploration for or  
5     production of oil or gas ~~from~~ if the drilling extends beneath the beds of the Great  
6     Lakes or bays or harbors that are adjacent to the Great Lakes, ~~unless all drilling~~



2001

**1999 BILL**

Reger

- 1 AN ACT *to amend* 295.33 (4) of the statutes; **relating to:** drilling beneath the  
 2 beds of the Great Lakes and adjacent waters to explore for or produce oil or gas. ✓

***Analysis by the Legislative Reference Bureau***

\* Under current law, no person may drill to explore for or produce oil or gas from beneath the beds of the Great Lakes or bays or harbors that are adjacent to the Great Lakes unless that drilling originates from the shore and pursuant to a written lease from the department of natural resources. ✓ *2. the person has*

\* This bill prohibits any person from drilling beneath the beds of the Great Lakes or bays or harbors that are adjacent to the Great Lakes to explore for or produce oil or gas, *without regard to where the drilling originates*

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

3 SECTION 1. 295.33 (4) <sup>X</sup> of the statutes is amended to read:

4 295.33 (4) No person may conduct drilling operations for the exploration for or  
 5 production of oil or gas from if the drilling extends ✓ beneath the beds of the Great  
 6 Lakes or bays or harbors that are adjacent to the Great Lakes, ~~unless all drilling~~

PWF

## BILL

## SECTION 1

FWF  
1 operations ~~originate from locations above and on the landward side of the ordinary~~  
2 ~~high water mark and are conducted according to the terms of a written lease~~  
3 ~~obtained from the department under s. 30.20 (2) (b).~~ ✓

4

(END)



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
5TH FLOOR  
MADISON, WI 53701-2037

STEPHEN R. MILLER  
CHIEF

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (608) 264-6948

April 2, 2001

### MEMORANDUM

To: Senator Cowles

From: Rebecca C. Tradewell, Managing Attorney

Re: LRB-2997/1 Prohibit drilling for oil and gas beneath the Great Lakes

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

\_\_\_\_ JACKET FOR ASSEMBLY ☒ JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-7290 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.